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Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Astanah Banu (Vice-Chairman) ..... (Malaysia)

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04-60083 (E)

The meeting was called to order at 2.50 p.m.

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/59/L.32)

Draft resolution A/C.3/59/L.32: Equitable geographical distribution in the membership of the human rights treaty bodies

1. **Ms. Pérez** (Cuba) introduced draft resolution A/C.3/59/L.32 on behalf of the sponsors, which now included Azerbaijan, Cameroon, China, the Congo, Côte d'Ivoire, the Democratic People's Republic of Korea, Egypt, El Salvador, Ethiopia, Guinea-Bissau, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Myanmar, Namibia, Pakistan, Qatar, the Russian Federation, Rwanda, the Sudan, Togo, Tunisia, the United Republic of Tanzania, Zambia and Zimbabwe. Drawing particular attention to the fourth, fifth, sixth, ninth and tenth preambular paragraphs, she encouraged States to ensure an equitable geographical distribution in the membership of the human rights treaty bodies in order to facilitate the full and effective implementation of those instruments. She urged all delegations to vote in favour of the draft resolution.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/59/L.37, A/C.3/59/L.39, A/C.3/59/L.40, A/C.3/59/L.41, A/C.3/59/L.44, A/C.3/59/L.51, A/C.3/59/L.52, A/C.3/59/L.56, A/C.3/59/L.57, A/C.3/59/L.58, A/C.3/59/L.59, A/C.3/59/L.61 and A/C.3/59/L.62)

2. **The Chairman** announced that the sponsors of draft resolutions A/C.3/59/L.41, A/C.3/59/L.44, A/C.3/59/L.51 and A/C.3/59/L.58 wished to delay the introduction of those draft resolutions until a later date.

Draft resolution A/C.3/59/L.37: The right to development

Draft resolution A/C.3/59/L.39: Enhancement of international cooperation in the field of human rights

Draft resolution A/C.3/59/L.40: Human rights and unilateral coercive measures

3. **Mr. Mohd Radzi** (Malaysia), in the context of the revitalization of the Committee's work, introduced draft resolutions A/C.3/59/L.37, A/C.3/59/L.39 and A/C.3/59/L.40 together on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries and announced that China had become a sponsor of all three draft resolutions.

Draft resolution A/C.3/59/L.52: Human rights and terrorism

4. **Mr. Khane** (Secretary of the Committee) announced that Switzerland, which had been included erroneously in the list of sponsors, should be deleted from the list.

5. **Mr. Lukyantsev** (Russian Federation), introducing draft resolution A/C.3/59/L.52 on behalf of the sponsors, which now included Ecuador, El Salvador, Peru, Turkey and Ukraine, said that terrorism undermined the effective enjoyment of human rights at the national, regional and international levels and aimed to destroy democracy, as had been observed by the World Conference on Human Rights. Emphasizing the universal nature of the terrorist threat, he urged all States, without exception, to work together to combat terrorism in all its forms and manifestations and called on the Committee to adopt the draft resolution without a vote in order unequivocally to reaffirm that nothing justified terrorism.

6. **Mr. Khane** (Secretary of the Committee) announced that the Dominican Republic, Eritrea and Kyrgyzstan had become sponsors of the draft resolution.

Draft resolution A/C.3/59/L.56: Regional arrangements for the promotion and protection of human rights

7. **Ms. Stevens** (Belgium) introduced draft resolution A/C.3/59/L.56 on behalf of the sponsors, which now included Argentina, Burkina Faso, Canada, Croatia, Denmark, Ecuador, Guatemala, Japan, Liechtenstein, Monaco, Nigeria, Panama, Peru, the Republic of Korea, Romania, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine. After recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 reaffirmed the fundamental role of regional arrangements for the promotion and protection of human rights, she drew particular

attention to paragraphs 3, 4, 5 and 8, emphasizing the importance of strengthening cooperation at all levels and of the progress achieved in establishing regional and subregional arrangements for the promotion and protection of human rights. She called on the Committee to adopt the draft resolution without a vote as in previous years.

8. **Mr. Khane** (Secretary of the Committee) announced that Bosnia and Herzegovina, Bulgaria, Costa Rica, the Dominican Republic, Mali, Norway and the Republic of Moldova had become sponsors of the draft resolution.

Draft resolution A/C.3/59/L.57: Extrajudicial, summary or arbitrary executions

9. **Mr. Khane** (Secretary of the Committee) announced that Thailand, which had been included erroneously in the list of sponsors, should be deleted from the list.

10. **Ms. Pylvänäinen** (Finland), introducing draft resolution A/C.3/59/L.57 on behalf of the sponsors, which now included Uruguay, announced that Senegal wished to be deleted from the list of sponsors. The draft resolution, which was based on previous resolutions on the same subject, had been simplified and a number of elements drawn from the reports of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions had been added to stress the importance of the work carried out by the Special Rapporteur within his mandate over the past 22 years, in particular in the area of prevention of genocide. Referring in particular to paragraphs 2, 8, 12, 13 and 15, she stressed the importance of cooperation between the Special Rapporteur, other United Nations human rights mechanisms and States. Negotiations on the draft resolution were ongoing. She called on all States to adopt the final version by consensus.

Draft resolution A/C.3/59/L.59: Elimination of all forms of religious intolerance

11. **Mr. Hamburger** (Netherlands) introduced draft resolution A/C.3/59/L.59 on behalf of the European Union and the sponsors, which now included Azerbaijan, Bosnia and Herzegovina, Ecuador, Eritrea, Ethiopia, Georgia, Nicaragua, the Republic of Moldova, South Africa, Switzerland and the former Yugoslav Republic of Macedonia. After drawing attention to the first and ninth preambular paragraphs, he noted that paragraph 9 did not exclude any religion or belief and would provide the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief with useful and timely guidance for her work. He then referred to paragraph 15 and, in that regard, paid tribute to the ongoing efforts of human rights defenders and non-governmental organizations.

12. After encouraging the newly appointed Special Rapporteur in her work and urging all Governments to respond favourably to her requests to visit their countries, he paid tribute to her predecessor for his outstanding contribution to the promotion of freedom of religion and the elimination of religious intolerance. He hoped that, as in previous years, the draft resolution would be adopted by consensus.

13. **Mr. Khane** (Secretary of the Committee) announced that Azerbaijan, Haiti, Mali and Turkey had become sponsors of the draft resolution.

Draft resolution A/C.3/59/L.61: Question of enforced or involuntary disappearances*

14. **Mr. Bertoux** (France) introduced draft resolution A/C.3/59/L.61* on behalf of the sponsors, which now included Bolivia, Brazil, the Central African Republic, Cuba, Eritrea, New Zealand, the Niger, Paraguay, Togo, Turkey and Ukraine. It was deplorable that the problem of enforced disappearances remained as urgent as ever, as confirmed by the work of the Commission on Human Rights' Working Group on Enforced or Involuntary Disappearances. Disappearances were not confined to one region, but occurred on all continents, particularly in countries in a situation of armed conflict. There were two innovations in relation to the text of General Assembly resolution 57/215, adopted two years earlier: the first concerned paragraphs 6 (a) and (c), while the second concerned paragraphs 21 and 22. He very much hoped that the draft normative instrument mentioned in paragraph 21 could be examined by the Assembly at its sixtieth session in order to strengthen the normative mechanism for combating enforced disappearances and address the problem from another angle, in addition to the humanitarian one.

15. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Bosnia and Herzegovina, Haiti and South Africa had joined the sponsors of the draft resolution.

Draft resolution A/C.3/59/L.62: Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy

16. **Mr. Stamate** (Romania), introducing draft resolution A/C.3/59/L.62, said that Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Rwanda, Serbia and Montenegro, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors. Encouraged by the support and encouragement accorded to Commission on Human Rights resolution 2004/30 by a large number of countries representing all regions and all groups of States, the sponsors had decided to work to achieve the reaffirmation of that resolution by the General Assembly. On the basis of its provisions, they had produced a concise and well-drafted text, minimizing its preamble and emphasizing action. It reflected the thinking contained in General Assembly resolution 55/96, but its provisions were focused on regional cooperation to promote and strengthen democracy. The sponsors believed that the time had come once again to promote dialogue on democracy, as a relatively new component of the broader debate on the contribution of regional organizations to conflict prevention and peacebuilding.

17. He drew attention to the main points of the draft resolution, particularly paragraphs 3 and 7 and paragraph 8 (a). Referring to paragraph 8 (f), which was an addition to the resolution adopted by the Commission on Human Rights, he indicated that the official in charge of the issue of democracy within the Office of the United Nations High Commissioner for Human Rights was tasked with providing advice and assistance to States which requested it, in order to promote and encourage democracy. In that regard, the sponsors of the draft resolution had wished to acknowledge the potential of the regional organizations in terms of publicizing and protecting democratic values such as respect for human rights and fundamental freedoms.

18. **Mr. Khane** (Secretary of the Committee) said that Costa Rica, Estonia, Guatemala, Mongolia, Norway and Panama had joined the sponsors of the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/C.3/59/L.46, L.48*, L.49, L.50*, L.53, L.54 and L.60)

Draft resolution A/C.3/59/L.46: Situation of human rights in Zimbabwe

19. **Mr. Hamburger** (Netherlands) introduced draft resolution A/C.3/59/L.46 on behalf of the European Union and its co-sponsors, and said that Iceland and Turkey had joined the sponsors. Having drawn particular attention to the second, third and fourth preambular paragraphs and operative paragraphs 1, 2 and 3, he said that the European Union believed that the situation of human rights in Zimbabwe merited being addressed by the Committee and considered it important to draw attention to its concerns on that subject by means of the draft resolution. The European Union was committed to working closely with all interested delegations, in particular those of the African Union, to ensure that the draft resolution was adopted, and was also prepared to work on the text with the delegation of Zimbabwe. It hoped that the draft resolution would meet with general support.

20. **Mr. Kitchen** (Zimbabwe) recalled that, in its statement to the Committee on 1 November 2004, his delegation had reaffirmed that cooperation among sovereign States was essential to the promotion and protection of human rights. It was regrettable that draft resolutions on the situation of human rights in a particular country were used for settling political disagreements. The draft resolution which had just been introduced was a perfect example of the way in which human rights issues were misused for political ends; it was essentially intended as an attack on the sovereignty of Zimbabwe, particularly in respect of the allocation of its national resources. Following three unsuccessful attempts by the European Union to have a similar text adopted by the Commission on Human Rights, at its fifty-eighth, fifty-ninth and sixtieth sessions, the member States of the Union, whose racist and colonial attitude caused them to consider African Governments as incapable of implementing their own agreements, had appointed themselves as watchdogs of the agreements entered into by those Governments in the framework of the Southern African Development

Community or the African Union, seeking to compensate for the affront to their ego. Such a condescending attitude should not be encouraged. His delegation therefore called on the Committee not to endorse the politicization of human rights issues and not to support a draft resolution which was merely the reflection of a bilateral dispute between Zimbabwe and the United Kingdom.

21. **Mr. Cumberbach Miguén** (Cuba) said that his delegation was determined to strongly oppose the adoption of such a draft resolution, which in no way favoured international cooperation in the area of human rights. States which permitted themselves to violate the Charter of the United Nations and the right to self-determination of peoples had no right to criticize others, and the colonial Powers which, under the pretence of "constructive engagement", had remained silent in the face of the oppressive apartheid regime in South Africa and bequeathed to the heroic people of Zimbabwe the sad legacy of inequitable land distribution now had no right to sit in judgement. His delegation therefore opposed this renewed attempt to selectively condemn countries of the third world for their human rights situations.

Draft resolution A/C.3/59/L.48: Situation of human rights in the Sudan*

22. **Mr. Hamburger** (Netherlands) introduced draft resolution A/C.3/59/L.48* on behalf of the European Union and said that Japan, Liechtenstein and Monaco had joined the sponsors. The European Union believed that the situation of human rights in the Sudan merited being addressed by the Committee. It had already been addressed earlier in the year by the Commission on Human Rights, which had appointed an independent expert who had reported orally to the Committee. Since the Commission had considered the question, there had been many new developments including visits to the Sudan and Darfur by the United Nations High Commissioner for Human Rights, the independent expert, the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

23. He drew attention to several aspects of the draft resolution, particularly paragraph 1 (a), paragraph 2 (a), (b) and (c) and paragraph 4 (a), (b) and (f). The European Union considered that the text of the draft resolution, building on Security Council resolutions 1556 (2004) and 1564 (2004), was comprehensive and balanced, giving due attention to the peace talks in Nairobi and Abuja. The European Union was committed to working closely with all interested delegations, in particular those of the African Union, to ensure that the text was adopted. It wished to state clearly that the time had come to put an end to the atrocities in Darfur. It therefore hoped that the draft resolution would meet with general support.

24. **Mr. Leu** (Republic of Moldova), referring to his delegation's policy of supporting the draft resolutions on the human rights situation in a given country but not sponsoring them, asked that Moldova be removed from the list of the sponsors of draft resolutions A/C.3/59/L.48*, L.49 and L.54, in which it had been included because of a technical error.

25. **Ms. Ahmed** (Sudan) said that her delegation, endorsing the statements made by the delegations of Zimbabwe and Cuba concerning the selective and politicized approach to human rights issues, wished to reaffirm its strong opposition in principle to any text focusing on a particular country, which reflected political motivation and lacked all objectivity.

Draft resolution A/C.3/59/L.49: Situation of human rights in Myanmar

26. **Mr. Khane** (Secretary of the Committee) said that France, omitted by mistake, should be listed as a sponsor of the draft resolution and that the Republic of Moldova should be deleted from the list.

27. **Mr. Hamburger** (Netherlands), speaking on behalf of the European Union and introducing draft resolution A/C.3/59/L.49, said that Monaco had become a sponsor. In consultation with interested delegations, including Myanmar, the text had been considerably streamlined in comparison with the previous year's resolution. There had been certain positive developments in the human rights situation in Myanmar, as indicated in paragraph 1 (c) and (e) of the draft, but no progress had been made in certain other areas, referred to in paragraph 2 (c), (d) and (e) and paragraph 3 (a), (b) and (c). He hoped that the draft resolution would, as in previous years, be adopted without a vote, testifying to the international community's common concern and its interest in the future of the people of Myanmar.

Draft resolution A/C.3/59/L.50: Situation of human rights in the Islamic Republic of Iran*

28. **Mr. Laurin** (Canada), introducing draft resolution A/C.3/59/L.50*, said that Liechtenstein, the former Yugoslav Republic of Macedonia and Tuvalu had joined the sponsors. Recalling that the draft resolution had been modelled on resolution 58/195 adopted by the General Assembly at its previous session, and in particular paragraphs 3 (a) and 5, he said that his delegation believed that the human rights situation had clearly deteriorated in the course of the past year. The wording of the draft text, which had been communicated to the Iranian authorities, had been weighed very carefully so that it would be accurate and balanced. Canada had had many exchanges with the Islamic Republic of Iran regarding the issues addressed in the text.

29. He drew attention to encouraging developments during the past year, particularly the announcement referred to in paragraph 1 (f), and also the anticipated improvements to Iranian legislation relating to justice for minors, the cooperation of the authorities with United Nations bodies, their open invitation to all human rights monitoring mechanisms and the actual visits to the country, in 2003 and 2004, by the Working Group on Arbitrary Detention of the Commission on Human Rights (para. 1 (b) of the draft resolution), the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression (para. 1 (c)) and the Special Rapporteur of the Commission on Human Rights on the human rights of migrants (para. 1 (b), (c) and (d)).

30. There were a number of subjects of concern in respect of the human rights situation in Iran. Other than the problems touched on in paragraph 2 (b) and (h), there was the unfavourable situation of women and their unequal treatment under the law, especially the fact that the victims of sexual violence were considered to be the guilty ones. Iran also did not respect internationally recognized safeguards in the administration of justice, the judicial system was not independent and, in a number of Iranian courts, magistrates still acted as both judge and prosecutor. The persistence of arbitrary detentions, of torture and other forms of cruel punishment and of capital punishment in Iran was another matter of concern to the international community.

31. While Iran's statement that it was committed to respecting human rights represented definite progress, the statement should be followed by concrete steps, of which thus far there had been no evidence. His delegation was therefore convinced that, as things stood, it was necessary to rely on all existing mechanisms and means, such as the adoption of a resolution by the Committee, to see to it that the Iranian Government honoured its human rights obligations.

Draft resolution A/C.3/59/L.53: Situation of human rights in Turkmenistan

32. **Mr. Hamburger** (Netherlands), speaking on behalf of the European Union, introduced the draft resolution on behalf of its sponsors, which had been joined by Liechtenstein.

Draft resolution A/C.3/59/L.54: Situation of human rights in the Democratic Republic of the Congo

33. **Mr. Hamburger** (Netherlands) introduced the draft resolution on behalf of the European Union and all the sponsors. The international community could not remain silent in the face of the ongoing human rights violations, in particular the use of sexual violence denounced by the independent expert on the situation of human rights in the Democratic Republic of the Congo, and all the parties concerned must make an active commitment to finding a comprehensive solution. He hoped that the draft resolution would be adopted without a vote, for that would express not only the international community's concern over the situation but also its unanimous support for the ongoing process.

Draft resolution A/C.3/59/L.60: Situation of democracy and human rights in the United States of America

34. **Mr. Dapkiunas** (Belarus), introducing the draft resolution, condemned the many violations of fundamental rights and freedoms in the United States and pointed out that while proclaiming itself a stronghold of democracy and world protector of human rights, the United States continued to consider itself not bound by its international human rights obligations, as evidenced by the pressure it brought to bear on other countries to eliminate the jurisdiction of the International Criminal Court over its citizens. Exempting the leading world Power from international scrutiny did not strengthen the international

community or the cause of human rights. While not bent on anti-Americanism or seeking to play the role of a human rights mentor, Belarus was seeking to make the United States aware that it was too involved in putting order into the affairs of other sovereign States while often failing to ensure the adequate protection of human rights at home. The draft resolution was also a response to the draft resolution on the situation of human rights in Belarus initiated by the United States delegation. At the same time, his delegation remained a committed opponent in general of resolutions singling out specific countries. To put an end to that mutual exchange of accusations, and to avoid making light of any initiative, the most responsible way out would be to withdraw both draft resolutions together with all the others dealing with specific countries, and to concentrate on questions that had real priority. He invited the various delegations that had expressed an interest in sponsoring draft resolution A/C.3/59/L.60 to refrain from doing so at that stage.

Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/59/12 and Add.1, 317, 425 and 554)

35. **Ms. Antonijević** (Serbia and Montenegro) said that her country wished to associate itself with the statement made by the Netherlands on behalf of the European Union, and recalled that for a number of years, Serbia and Montenegro had been providing shelter for Europe's largest refugee population, including 400,000 refugees from Croatia and Bosnia and Herzegovina.

36. Several measures had been taken with a view to resolving the problem, essentially focusing on facilitating local integration, which was the solution favoured by most refugees. In 2002 the Republic of Serbia had adopted a national refugee strategy and, for Serbia and Montenegro, a poverty reduction strategy paper had been drafted, and Roma integration strategies had been implemented. However, despite the implementation of projects aimed at providing adequate housing, as well as self-reliance programmes based on microcredit, in-kind grants and vocational training, many refugees still lacked adequate assistance.

37. As the situation had improved, the Office of the United Nations High Commissioner for Refugees (UNHCR) and major humanitarian agencies had gradually been phasing out their operations in the country, but development programmes had not been able to provide the necessary assistance to the most vulnerable refugees. Because her country was still grappling with economic difficulties, the international community — particularly the major donors and development agencies — should continue to assist the refugees. The voluntary repatriation of refugees had been progressing well, and the number of returnees should increase following the imminent signing of the bilateral agreement between Serbia and Montenegro and Croatia on the protection of national minorities. Moreover, implementation of the legislative and administrative measures adopted by Croatia should help create the conditions necessary for their sustainable return. However, the situation of 260,000 internally displaced persons from Kosovo and Metohija was a major source of concern for her country. The pace of their return had been unacceptably slow, and the prospects for further returns remained slim; the number of returnees was negligible because, as a result of ethnically motivated violence, lack of security and lack of freedom of movement, acts of intimidation and harassment, and discrimination, the situation of the non-Albanian population in the province was precarious. Violence in March had hindered the already fragile repatriation process and resulted in the displacement of 4,100 persons, most of whom were Serbs, and 2,700 of whom were still unable to return home. Referring to the Secretary-General's report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2004/613), she urged UNMIK to redouble its efforts to ensure the safe and unimpeded return of all displaced persons, in accordance with Security Council resolution 1244 (1999).

38. Her country was committed to finding solutions for the protection of refugees. To that end, it would continue to work with other Member States and UNHCR, as well as within the Executive Committee of the High Commissioner's Programme, and would endeavour to step up cooperation with the neighbouring countries concerned.

39. **Ms. Iamsudha** (Thailand) said that voluntary repatriation continued to be the preferred durable solution and that the role played in that process by countries of origin should not be neglected. She therefore supported the increasing role played by UNHCR in the creation of an enabling environment

inside Myanmar. Humanitarian assistance should be expanded to cover the development of the infrastructure necessary for the reintegration of displaced persons, as well as the prevention of further refugee flows, particularly in border areas. The Thai authorities and the UNHCR regional office in Bangkok had made progress in their efforts to protect displaced persons from Myanmar who had sought refuge in Thailand, by reconvening the Provincial Admission Board, reregistering the displaced persons in nine temporary shelter areas, and planning for their repatriation.

40. Thailand wished to thank UNHCR for facilitating the resettlement in the United States of more than 15,000 Laotian Hmong. The resettlement was progressing and should be finished in April 2005. Cooperation between Thailand, the United States and UNHCR was a good example of a durable solution to protracted situations.

41. Thailand fully recognized the need to address the closely linked and complex problems of migration and asylum faced by host countries in confronting mixed flows. Because it was aware of the benefits of registration for migration management, it had registered more than 1.3 million illegal workers during the year, thereby regularizing their situation in the country.

42. *Ms. Astanah Banu (Malaysia), Vice-Chairman, took the Chair.*

43. **Ms. Gunasekera** (Sri Lanka) noted that the unprecedented decline in the number of refugees was accompanied by a growing interest in the plight of refugees, asylum-seekers, economic migrants and others, along with the development of the very lucrative business conducted by human traffickers.

44. Since the signing of the ceasefire agreement in February 2002, displaced persons continued to return home, and more than 63,000 Sri Lankan refugees who had been living in camps and centres in India had returned home voluntarily. The confidence-building measures undertaken by her Government, especially the reopening of key access routes in the north, had contributed to that positive trend. Under its Unified Assistance Scheme, her Government offered grants to returning internally displaced persons (IDPs) and refugees as well as financial assistance for re-housing. It also ran welfare centres for IDPs awaiting resettlement, and provided families living in the centres with essential dry rations. In the north and east of the country, de-mining operations were being carried out in order to clear the land for resettlement. The declining rate of accidents involving mines showed the success of those efforts. Sri Lanka had set itself the goal of being mine free by 2006, and had become a party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects.

45. In response to the increased economic activity arising from the ongoing peace process, the World Bank and the African Development Bank had committed over US$ 156 million in loan assistance to her country. Furthermore, Sri Lanka was one of five countries selected by the World Bank, the United Nations Development Programme and UNHCR to work, along with the stakeholders, on the implementation of a repatriation, reintegration, rehabilitation and reconstruction ("4Rs") concept, a pilot initiative designed by the United Nations to bridge the gap between relief and development in a post-conflict situation. The Chairman of the Executive Committee of UNHCR had visited Sri Lanka in February 2004 and had praised her Government for its efforts and for its collaboration with UNHCR. Her delegation stressed that, in the peacebuilding phase of conflict resolution, countries such as Sri Lanka needed significant assistance to rebuild infrastructure and livelihoods.

46. **Mr. Dhakal** (Nepal) urged the international community to continue to support UNHCR, which strove to protect refugees who were victims of circumstances beyond their control, such as persecution, forced eviction, armed conflict, natural disasters, ethnic cleansing and gross violations of human rights. In recent years UNHCR had been exploring innovative ideas in an effort to find durable solutions and innovative ideas, such as the "UNHCR 2004" process, Global Consultation, and the Convention Plus initiative. While appreciating those initiatives, his country urged UNHCR to give priority to protracted situations because, although there had been a number of encouraging developments, there were still more than 17 million persons of concern to UNHCR. The collaborative approach and the integrated missions might be useful for those situations in which United Nations peacekeeping operations were being carried out. For other situations, however,

UNHCR should undertake a thorough analysis of the dynamics and root causes of the respective refugee problems.

47. His delegation believed that the General Assembly should consider strengthening the capacity of UNHCR and, in particular, removing the time limit on the mandate of the Office, so that it could make a sustained effort to find durable solutions, through long-term and multi-year programming. His delegation noted that the High Commissioner had consistently pursued the "4Rs" approach, which was the key to resolving refugee problems. However, it had serious reservations about the "development through local integration" approach, which should be examined carefully, on a case-by-case basis. There could be no blanket solution that addressed all situations. Local assimilation had serious political, social and economic ramifications and, in countries where there was abject poverty and a high population, local integration would lead to instability and disaster. His delegation urged UNHCR to explore all possible solutions to the repatriation of refugees. The solution of development assistance to refugees might seem plausible, but it could have disastrous consequences for poor nations, and would have a serious long-term economic, social and environmental impact on host countries. Nepal therefore found the idea unacceptable.

48. With respect to the Bhutanese refugees, to whom Nepal had provided asylum on purely humanitarian grounds, even though it was not the first country of asylum and lacked the necessary resources, his country was fully committed to finding a durable solution to the problem through bilateral negotiations. If that bilateral process was to succeed, genuine political will was required. It was now for Bhutan to create conditions that were favourable to the return of the refugees, since the verification process had been stalled for a long time for no valid reason.

49. Nepal wished to express its appreciation to UNHCR, friendly countries, and non-governmental organizations for the assistance they had provided for the maintenance of the refugees, and appealed to them to sustain their assistance at the current critical stage, when the smallest misstep might derail the process.

50. **Mr. Idoko** (Nigeria) said that it was encouraging that the number of refugees in Africa, particularly in Angola and Liberia, was continuing to decline and that the High Commissioner's report (A/59/12) showed an appreciable decrease in the global refugee population to just over 17 million at the end of 2003. However, in 2003 the number of internally displaced persons in Africa had risen to 13 million spread through 20 countries (the highest number being in the Sudan), and that situation underlined the ugly consequences of armed conflicts, in Africa in particular. Nigeria therefore called upon the international community to support Africa's various peace processes, including conflict prevention and sustainable development efforts. It also called upon UNHCR to intensify its capacity-building efforts at the country level to enable countries to respond swiftly to the protection and assistance needs of refugees.

51. An effective approach to the problem of refugees must pay greater attention to the root causes of forced population displacement. The problems of good governance, poverty, disease and injustice must also be addressed. Any lasting solution must in addition aim at the reintegration of victims of such displacements. In that connection, Nigeria welcomed the collaboration among UNHCR, the Office for the Coordination of Humanitarian Affairs, the Department of Political Affairs and the Department of Peacekeeping Operations, which provided the opportunity to blend repatriation with post-conflict reconstruction processes, such as demobilization, disarmament and reintegration (DDR). His delegation also welcomed the "4Rs" initiative, and the High Commissioner's efforts to strengthen multilateral ownership of that strategy, as well as other initiatives such as Development through Local Integration and Development Assistance for Refugees.

52. **Mr. Owade** (Kenya) said that Kenya, which had a long tradition of hosting refugees since its independence 40 years earlier, attached great importance to providing assistance to such persons. Currently hosting some 240,000 refugees under the mandate of UNHCR, Kenya was respecting the international and regional instruments governing their protection.

53. Kenya supported the six goals of UNHCR concerning international protection for refugees, in particular Convention Plus, the Framework for Durable Solutions and Development Assistance for Refugees. Since limited resources were available to ensure refugee protection, meet the needs of host communities and address security concerns, the international community must respond in a timely manner when

providing assistance to host countries. While the funding situation had improved as a whole, donors' contributions still varied considerably so that in certain parts of the world, refugees were living below the minimum standards of protection. His delegation therefore held the view that the budget of UNHCR should be needs-based rather than resource-based.

54. The Kenyan parliament was considering a bill emphasizing the need for more effective refugee protection; once the legislative process was complete, a full-fledged department would be established to deal with refugee matters.

55. His delegation was convinced that the principle of *non-refoulement* should remain the cornerstone of any refugee protection regime. It therefore emphasized that any efforts to improve international refugee protection must be agreed upon within the multilateral framework under the auspices of UNHCR and must be in conformity with international refugee law. Kenya particularly cautioned against the establishment of special processing centres in which refugees would be contained.

56. Kenya was convinced that voluntary repatriation, local integration and resettlement were the three most important solutions to refugee situations. He called upon the international community to redouble its efforts to create conducive conditions, in countries of origin, that would enable refugees to return in safety and dignity. For that reason, Kenya and other African countries had invested heavily in the peace process in southern Sudan and Somalia. The situation in Somalia remained volatile, and therefore care should be taken not to force asylum-seekers to return to their countries. Given the enormous challenge confronting Somalia, Kenya called upon the international community to discharge its obligations by providing Somalia with the necessary assistance in disarmament, reintegration of displaced populations and reconstruction of the country. In addition, his Government was concerned that donors had not met their financial obligations, leaving Kenya at the end of the peace process with a mass of unpaid bills.

57. With regard to the principle of resettlement, Kenya called on States to work together to find a fair and transparent way of determining who should benefit from resettlement programmes, so that first countries of asylum did not have to take in the most vulnerable of the refugees while third countries received those who were more able-bodied and better educated. Proceeding in such a way was not in keeping with the spirit of burden-sharing or with humanitarian considerations.

58. **Mr. Majewski** (International Federation of Red Cross and Red Crescent Societies (IFRC)) said that IFRC worked with UNHCR to develop cooperation arrangements between it and national societies to address severe refugee flows. He stressed the importance of Red Cross and Red Crescent Societies exhibiting the fundamental principles in support of refugees and internally displaced persons, in particular the principles of independence, neutrality and impartiality. That issue had been at the forefront of the debate during the 2003 session of the Council of Delegates, the decision-taking body of IFRC.

59. The national societies, in particular, provided assistance to persons living beyond the reach of international organizations, especially persons living outside camps who were not covered by protection systems, a vulnerable population that was often forgotten. Many actors, especially the Red Cross and Red Crescent Societies, non-governmental organizations and host Governments, must support those who cared for such groups.

60. In addition, the millions of people currently regarded as irregular, undocumented or illegal had an enormous impact on societies. Such people were extremely vulnerable and often entered the asylum-seeking process. However, those whose claims were found to be invalid under the Geneva Convention relating to the Status of Refugees, of 1951 might not be able to return to their countries of origin.

61. Such persons were almost always beyond the scope of health and social security systems and, as such, were extremely vulnerable to HIV/AIDS, violence, exploitation, discrimination and xenophobia. Paradoxically, their exploitation, whether intentional or not, benefited the economy of the countries in which they found themselves. Powerful statistics showed that their contribution was often essential, especially in the agricultural and industrial sectors, although the return to them was marginalization and discrimination. All that must stop, and their dignity must be restored.

62. IFRC welcomed the consultations organized by the Global Commission on International Migration. In order to solve the problem of asylum-seekers, all Governments must first of all determine and enact

coherent migration legislation that addressed social and economic needs. Legal and administrative hurdles would not put an end to population movements, a phenomenon which was as old as the world itself and was now also a product of globalization. The national societies were trying to cope with marginalization; to the extent possible, IFRC would support the Global Commission, which was due to submit an important report to the Secretary-General in 2005.

Rights of reply

63. **Ms. Aghajanian** (Armenia), speaking in exercise of the right of reply and referring to the statement of Azerbaijan, said that it was regrettable that once again the causes and consequences of the Nagorny Karabakh conflict had been misrepresented. To begin with, Armenia had no designs on any territory whatsoever, and the claims of Azerbaijan regarding territorial integrity had no foundation, since Nagorny Karabakh had never belonged to an independent Azerbaijan. Moreover, the situation there was the result of the war that Azerbaijan had waged against the people of Nagorny Karabakh, who had attempted to exercise their right to self-determination in a peaceful manner in accordance with the law.

64. With regard to refugees and displaced persons, she wished to emphasize that the conflict had been generated by both sides. All the proposals elaborated by the Minsk Group, including those rejected by Azerbaijan over the past six years, which the Azerbaijan delegation had deliberately failed to mention, addressed the problem as two-sided, in addition to raising the question of the status of Nagorny Karabakh. All those issues had been covered in the negotiations conducted by the Minsk Group, and Azerbaijan, once again, was trying to pick and choose among the issues, even though they had been acknowledged to be indissociable during the four years of negotiations that had concluded with the Lisbon Summit of the Organization for Security and Cooperation in Europe in 1996.

65. The impossibility of finding a definitive solution to the conflict without resolving the problem of the status of Nagorny Karabakh had led to the resignation of the Armenian President in 1998, because the approach taken had not been acceptable to the Armenian people or to Nagorny Karabakh.

66. However, instead of negotiating in good faith under the auspices of the Minsk Group, the Azerbaijani authorities were doing their best to divert the course of the peace process by harping on certain points in the negotiations in international forums such as the United Nations, an unacceptable practice that undermined the entire peace process.

67. **Mr. Kadiri** (Morocco), speaking in exercise of the right of reply and referring to the statement made by Algeria, said that it was regrettable that Algeria had taken advantage of a humanitarian agenda item to set forth its position on the settlement of the dispute over the Sahara, a dispute that it had created 30 years earlier and kept trying to stoke artificially in international forums.

68. The first Baker plan (2001), which had had the unanimous support of the Security Council and which Morocco had been ready to put into effect, had been rejected by Algeria. The second Baker plan had not been taken as a basis for the political settlement of the dispute over the Sahara because it had not met with the agreement of Morocco. It was surprising that Algeria persisted, since it had not succeeded in reviving the second Baker plan before the Fourth Committee. That debate had been definitively closed since the adoption of Security Council resolution 1570 (2004), in which the Council called upon the parties to end the current impasse and to achieve progress towards a political solution. The appropriate step therefore was to enter into negotiations to that end with the help of the Special Representative of the Secretary-General for Western Sahara.

69. The figures put forward by Algeria on the number of refugees in the camps in the Tindouf area could not be taken at face value, since the host country would not permit the UNHCR to do a survey under the requisite impartial conditions in accordance with its obligations under its Statute.

70. **Mr. Israfilov** (Azerbaijan) said that he had been tempted simply not to respond to the statement of Armenia, which was full of factual distortion, propaganda and false accusations, but he was conscious of the need to clarify some of the points raised in order to prevent the creation of another myth, namely, that Nagorny Karabakh had never been part of Azerbaijan. That question had been negotiated in several international forums, and the Security Council had unanimously adopted four resolutions reaffirming

the territorial integrity of Azerbaijan, referring to Nagorny Karabakh as part of Azerbaijan and calling for the withdrawal of all Armenian occupying forces from Azerbaijani territory and the establishment of conditions for the safe return of refugees and displaced people. Armenia, in defiance of the will of the international community, continued to occupy Nagorny Karabakh and adjacent regions. His delegation would discuss in detail the settlement process being conducted by the Organization for Security and Cooperation in Europe during the debate to be held in the General Assembly on the situation in the occupied territories of Azerbaijan and would limit itself for the time being to stating that Azerbaijan would never compromise its territorial integrity. The efforts of Armenia to hide its aims of annexation behind the noble principle of the right of peoples to self-determination ran counter to the resolutions of the Security Council, the Charter of the United Nations and international law and were thus doomed to failure. The only solution was to reject the aggressive rhetoric of Armenia and to bring to justice the aggressor State and its criminal puppet regime in the territories it was occupying in Azerbaijan.

71. **Mr. Osmane** (Algeria), responding to the statement made by Morocco in exercise of the right of reply, said, first, that the question of the Saharan people was on the agenda of the Fourth Committee as a decolonization issue and, second, that the question of Western Sahara had not been created by Algeria. Spain, which was the colonial Power at that time, had intended to organize a self-determination referendum and to that end had conducted a census of the Saharan population in 1974. The death of General Franco and the resulting period of constitutional uncertainty had opened the door for illegal occupation of the territory by Morocco. The occupation by Morocco had generated conflict with the Saharan people and caused a massive migration of the Saharan population to Algeria. Third, Algeria rejected any attempt by Morocco to turn the question of Western Sahara, which was a question about decolonization and the exercise by the Saharan people of their right to self-determination, into an Algerian-Moroccan problem. Proof, if it were needed, was that Morocco had signed a ceasefire agreement with Frente POLISARIO and a Peace Plan that provided for the organization of a referendum on self-determination in Western Sahara and that it recognized the United Nations Mission for the Referendum in Western Sahara (MINURSO).

72. With respect to the type of settlement envisaged by the representative of Morocco, such a proposal, which aimed at annexation of the territory of Western Sahara, had been rejected and had never been given the stamp of approval by any organ of the United Nations. As to the number of refugees, his own delegation had cited a figure the day before in the presence of the United Nations High Commissioner for Refugees. The Moroccan delegation should have put the question to the High Commissioner at that time.

73. Algeria continued to support the efforts of the United Nations to enable the people of Western Sahara to exercise their right of self-determination in accordance with international law and in implementation of the Peace Plan for Self-Determination of the People of Western Sahara, which the Security Council had unanimously supported in its resolution 1495 (2003).

74. **Ms. Aghajanian** (Armenia), responding to the statement made by the representative of Azerbaijan in exercise of the right of reply and focusing on the relevant Security Council resolutions, which Azerbaijan had misrepresented in several cases, said that best way to understand the resolutions was simply to read them. It would then become clear how many of the allegations of Azerbaijan against Armenia were unfounded. In truth, Armenia was doing exactly what those resolutions asked it to do, namely, lending its good offices to find a lasting solution to the Nagorny Karabakh conflict.

75. **Mr. Kadiri** (Morocco) observed that the debate raised by the representative of Algeria under a humanitarian item showed that Algeria was indeed a party to the regional conflict over the Moroccan Sahara. It was regrettable that Algeria persisted in politicizing a humanitarian question and using it as an excuse to expand upon its view of the dispute. Morocco rejected all the allegations and generalizations of Algeria. It should be noted that the very fact that Algeria spoke of an "occupation" was a further demonstration of its distortion of reality and historical fact. The concept of "occupying Power", as defined in the Hague Regulations of 1907 and the Fourth Geneva Convention of 12 August 1949 and in customary law, referred to a State that occupied all or part of the territory of another State and had certain powers related to the provisioning and security of its troops; it in no way applied to the situation in the Moroccan Sahara. The representative of Algeria had

deliberately omitted any reference to Security Council resolution 1570 (2004), in which the Council called upon the parties to end the current impasse and to achieve progress towards a peaceful solution of the dispute over the Sahara.

76. Morocco could not accept the figure given by Algeria concerning the number of refugees and had asked for a census of the population in the Tindouf camps by UNHCR in accordance with its Statute. However, Algeria had refused to allow UNHCR to carry out such a census. The fundamental importance of early registration had been recognized in a number of General Assembly resolutions and in the conclusions of the UNHCR Executive Committee. The Joint Inspection Unit and the United Nations Board of Auditors, for their part, had recognized that and had made recommendations in that regard. As host country, Algeria had the obligation and responsibility to see to it that the civilian and humanitarian character of the camps was not compromised by the presence of armed elements and their activities, as had happened in the Tindouf camps. Moreover, the UNHCR Executive Committee, at its fifty-fifth session, had adopted a conclusion reaffirming that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return (A/59/12/Add.1, para. 23 (e)).

77. **Mr. Osmane** (Algeria) responded that the representative of Morocco was defending the indefensible and that Morocco could not change history or international law, let alone geography.

78. **The Chairman** announced the Committee had concluded its general discussion of agenda item 100.

The meeting rose at 5.20 p.m.